

**HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed Emergency After Notice**

Pursuant to the authority of Iowa Code section 514I.5, the Department of Human Services amends Chapter 86, “Healthy and Well Kids in Iowa (HAWK-I) Program,” Iowa Administrative Code.

The Department is implementing an alternative method of verifying citizenship through a data match with the Social Security Administration. This should markedly reduce the number of cases for which a birth certificate or other documentation verifying citizenship is needed. Federal requirements for using this method extend the reasonable period for obtaining verification to 90 days. These amendments:

- Allow coverage under the HAWK-I Program to be approved for children claiming to be U.S. citizens who meet all other eligibility criteria except for proof of citizenship, and
- Extend the reasonable period for obtaining verification of citizenship from 60 days to 90 days.

Previously, the application was pended until verification was submitted or the reasonable period expired, but when citizenship was verified, benefits were approved based on the application date. Under these amendments, HAWK-I eligibility shall be granted immediately when all other eligibility factors are met and then canceled if proof of citizenship is not received within 90 days. If a child’s coverage has been canceled for failure to verify citizenship and the family reapplies for HAWK-I benefits, a second reasonable period for obtaining verification will not be allowed for that child.

These amendments do not provide for waivers in specified situations because they benefit the families affected by streamlining eligibility procedures. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on January 13, 2010, as **ARC 8479B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The HAWK-I Board adopted these amendments on May 17, 2010.

The Department finds that these amendments confer a benefit on HAWK-I applicants by providing immediate eligibility and streamlining procedures for verification of citizenship. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are intended to implement Iowa Code chapter 514I.

These amendments became effective on June 1, 2010.

The following amendments are adopted.

Amend paragraphs **86.2(7)“d,” “e” and “f”** as follows:

*d.* An applicant or enrollee shall have a reasonable period to obtain and provide proof of citizenship and nationality. For the purposes of this requirement, the “reasonable period” begins on the date a written request to obtain and provide proof is issued to an applicant or enrollee and continues to the date the proof is provided or to the ~~sixtieth~~ ninetieth calendar day from the date the written request was issued.

*e.* Eligibility for HAWK-I shall ~~not~~ be approved for applicants for one reasonable period as described in paragraph 86.2(7)“d.”

(1) The reasonable period shall begin no earlier than the first day of the month following the month in which a valid application is received and shall continue until the end of the month in which the ninetieth day occurs or until acceptable documentary evidence is provided, whichever is earlier. However, coverage may be canceled before the end of the reasonable period when another eligibility requirement is not met.

(2) For the purposes of HAWK-I eligibility, an applicant who received coverage during a reasonable period as a Medicaid applicant shall not be granted coverage pursuant to this paragraph for a second reasonable period.

*f.* Failure to provide acceptable documentary evidence by the ~~sixtieth~~ ninetieth calendar day from the date the written request was issued pursuant to paragraph 86.2(7) “*d*” shall be the basis for ~~denial~~ cancellation of coverage under HAWK-I for the child.

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